INVESTIGATIVE SUMMARY
DEPUTY INVOLVED SHOOTING - HIT
SH 2166138 (FO 2183058)
URN 406-04137-2826-051

On Friday, March 10, 2006, Sergeants Leonard McCray and David Stunson of Internal Affairs Bureau responded to [redacted] North Muriel Avenue, in the City of Compton, regarding a deputy involved hit shooting. Internal Affairs Bureau Lieutenant Ricky Jennings also responded. Mike Gennaco from the Office of Independent Review, Deputy Jesus Anguiano from the Civil Litigation Unit and Deputy Mark Caron from the Field Operations Training Unit also responded to take part in the inquiry.

INVOLVED PERSONNEL
DEAN, Robert, Deputy [redacted]
Field Operations Region II
Compton Station

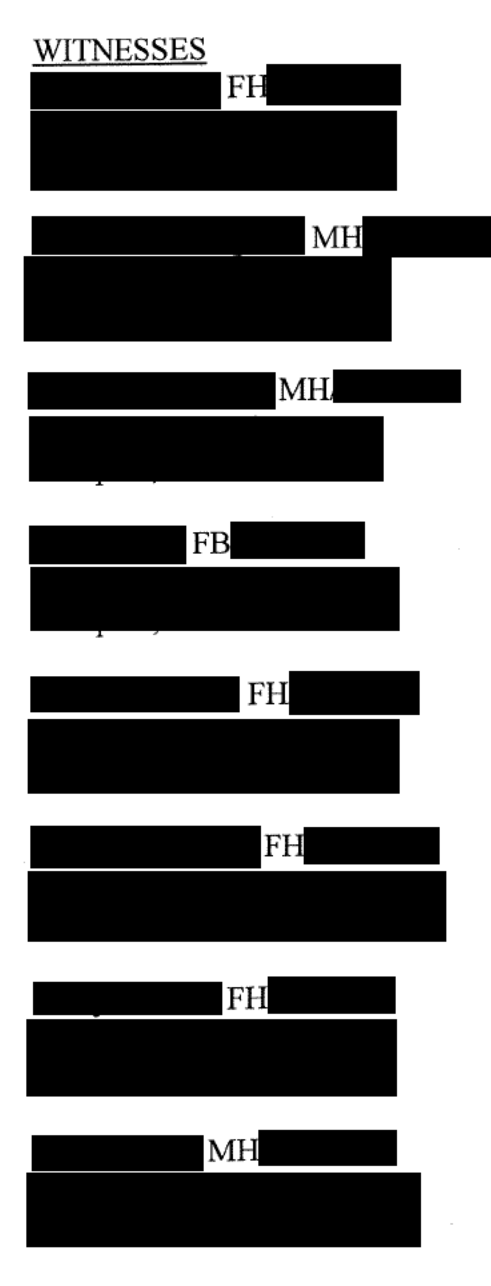

[redacted]

TOONE, Andrew, Deputy [redacted]
Field Operations Region II
Compton Station


[redacted]

SUSPECT
Diaz, Alexander MH/05/24/74
Booking #8961811

On 03-15-06, Suspect Diaz was positively identified as Alexander Diaz Rodriguez. It was learned that he had previously been convicted for cocaine possession in Nevada and was sentenced to serve time in the Nevada state prison system [redacted]



WITNESSES

[redacted] FH [redacted]

[redacted] MH [redacted]

[redacted] MH [redacted]

[redacted] FB [redacted]

[redacted] FH [redacted]

[redacted] FH [redacted]

[redacted] FH [redacted]

[redacted] MH [redacted]

INJURIES

Suspect Diaz sustained a gunshot wound to his left arm as a result of being fired upon by Deputies Dean and Toone. The round entered through his left biceps and exited the back of his arm below his elbow. Suspect Diaz was transported to Martin Luther King/ Drew Medical Center and treated for his injury.

PHYSICAL EVIDENCE

All physical evidence pertaining to this investigation was recovered at the scene and processed by Homicide and Crime Lab personnel. Refer to pages 57 through 59 of homicide book (Exhibit A) for detailed list and description of evidence.

INVESTIGATORS OBSERVATIONS

All evidence observed at the scene of the incident was consistent with the information provided by involved personnel and witnesses.

WEAPONS USED BY DEPUTY PERSONNEL

Deputy Robert Dean Fired two rounds of 9mm ammunition from his Department issued Beretta 92F pistol. Two 9mm shell casings were recovered at the scene in the area Deputy Dean reported firing. Deputy Dean's last qualification date prior to this incident was [redacted] Deputy Dean last attended weapons training on [redacted]

Deputy Andrew Toone fired two rounds of Department issued 9mm ammunition from his Department issued Beretta 92F pistol. Two 9mm shell casings were recovered from the area Deputy Toone reported firing. Deputy Toone's last qualification date prior to this incident was [redacted]. Deputy Toone last attended weapons training on [redacted]

WEAPONS USED BY SUSPECT

Suspect Diaz was armed with a 9mm semiautomatic "high Point" pistol, Model C-9. The weapon was recovered at the scene. Suspect Diaz was not reported to have fired the weapon.

CRIMINAL INVESTIGATION/CHARGES FILED

Suspect Diaz was charged with 10851 (a) of the California Vehicle Code, 417 (c), 12031 (a)(1), and 12021(a)(1) of the California Penal Code, under case #TA083804.

LIGHTING AND WEATHER CONDITIONS

The incident occurred outdoors during the hours of darkness. The area in which the shooting took place was dimly lit by nearby street lighting. The weather was overcast, cool and wet from intermittent rain. There was no evidence to suggest that weather conditions were a factor in this shooting.

INVOLVED EMPLOYEE'S STATEMENTS

Deputy Robert Dean said he was working P.M. shift in unit 285, along with Deputy Andrew Toone, on the night of the shooting. Deputy Dean was driving and Deputy Toone was the book man. Deputy Dean reported seeing the suspect vehicle (Black Altima) traveling eastbound on Pixley Street as he and his partner were traveling westbound on Pixley. Deputy Dean said the suspect's vehicle was traveling at a high rate of speed, prompting him to turn on his spotlight and illuminate the passenger compartment of the suspect's vehicle as it passed their patrol unit. As his light illuminated the inside of the suspect's vehicle, he saw three occupants and described them as appearing startled. Deputy Dean felt their expressions suggested that they did not want to be contacted by police. The Suspect's vehicle turned northbound on Muriel Avenue from Pixley Street. Deputy Dean made a u-turn from westbound to eastbound Pixley and then turned northbound onto Muriel. Deputy Dean and Toone intended to stop the suspect's vehicle due to it's excessive speed.

After turning northbound on Muriel, Deputy Dean and Deputy Toone were initially unable to locate the suspect's vehicle. As they continued northbound they located the suspect's vehicle parked in front of [redacted] Muriel. Deputy Dean said the suspect's vehicle was parked with its tail end sticking out into the roadway and blocking the driveway of the residence. Deputy Dean stopped his patrol vehicle and activated his spotlight and takedown light, illuminating the suspect's vehicle. Deputy Dean got out of his vehicle and approached the suspect's vehicle on the driver's side. Deputy Dean said Deputy Toone also got out of their patrol unit and approached the suspect's vehicle on the passenger side. Deputy Dean said he spoke with the driver, later identified as Suspect Diaz, and asked for his driver's license. Suspect Diaz told Deputy Dean he did not have a driver's license. Deputy Dean ordered Suspect Diaz out of the vehicle in order to conduct an unlicensed driver investigation. Deputy Dean placed Suspect Diaz in a cursory search position and began to pat him down for weapons. As Deputy Dean began the search, Suspect Diaz pulled away and began running southbound on Muriel. Deputy Dean saw, as Suspect Diaz ran past his patrol unit, that he was holding a pistol in his right hand. Deputy Dean told Deputy Toone that Suspect Diaz had a gun just before running after him (Diaz). Deputy Dean said that he decided to chase Suspect Diaz rather than remain at the car with the other two occupants because Suspect Diaz was a known threat as opposed to the potential threat posed by the remaining two occupants.

After running a short distance, approximately ten seconds after initiating flight, Suspect Diaz turned to his left with his right hand at waist level and pointed back at Deputy Dean. Deputy Dean believed he saw the gun in Suspect Diaz' hand and fired two rounds at him (Diaz) from his Department issued Beretta. Deputy Dean feared that Suspect Diaz was trying to shoot him (Dean). Deputy Dean continued chasing Suspect Diaz as opposed to setting up a containment for fear that he would escape or possibly enter someone's home and take hostages. As Deputy Dean began to close the distance on Suspect Diaz, he holstered his weapon because he did not want to come in physical contact with Suspect Diaz with his weapon out. Deputy Dean expressed that he did not have any concerns with regard to coming into physical contact with an armed suspect.

After holstering his weapon, Deputy Dean heard his partner, Deputy Toone fire two rounds. As the two rounds were fired by Deputy Toone, Suspect Diaz was on the sidewalk area approximately 10 feet in front of Deputy Dean. Deputy Dean said Suspect Diaz turned towards Deputy Toone, in the same manner in which he previously turned, just prior to hearing the two rounds being fired by Deputy Toone. Deputy Dean continued to chase Suspect Diaz who continued to run a short distance before falling down. Deputy Dean jumped on top of Suspect Diaz, who was face down on the ground, and attempted to handcuff him. However, Suspect Diaz resisted Deputy Dean's attempts to handcuff him by concealing his arms underneath his body. Believing the suspect was still armed, Deputy Dean punched Suspect Diaz in the head one to two times at which time Suspect Diaz stopped resisting and allowed Deputy Dean to handcuff him. As Deputy Dean was attempting to handcuff the suspect, Deputy Toone remained a few feet away with his gun drawn to cover the suspect.

Deputy Dean said that he did not broadcast anything over the radio prior to firing at the suspect because he did not have time. He said after firing at the suspect he broadcasted, [redacted] Deputy Dean said he was informed by Deputy Toone that the other two occupants were running towards Rosecrans, but did not actually see them himself.

Deputy Andrew Toone was working unit 285 on P.M. shift along with Deputy Dean on the night of the incident. He said that he was the book man that evening and that Deputy Dean drove the patrol unit. As he traveled eastbound on Pixley Street, he saw a dark colored vehicle (Suspect's vehicle) traveling in the opposite direction. Deputy Dean turned on his spotlight and illuminated the passenger compartment of the suspect's vehicle as it passed. Deputy Toone could see three male Hispanics inside the vehicle and described them as having a "worried look."

Deputy Toone said they made a U-turn and then turned northbound on Muriel Avenue. They drove northbound on Muriel and subsequently located the suspect's vehicle parked in front of [redacted] Muriel. Deputy Toone recalled the vehicle blocking the driveway and the tail end of the vehicle sticking out into the roadway. Deputy Toone activated his spotlight and directed it at the suspect's vehicle and then exited the patrol unit and walked around to the passenger side of the suspect's vehicle. He observed three male Hispanic occupants and specifically recalled the rear passenger appeared to be pushing something underneath the driver's seat. Deputy Toone ordered the occupants to reveal their hands and maintained a visual on them as Deputy Dean approached the drivers side and spoke with the driver. Deputy Toone saw Deputy Dean "escort" the driver, Suspect Diaz, out of the vehicle. He said that he could hear Deputy Dean speaking to Suspect Diaz but could not make out what he was saying. Deputy Toone said he saw Deputy Dean began to pat search Suspect Diaz and refocused his attention on the occupants of the vehicle. Deputy Toone looked up as he heard Deputy Dean yell [redacted] and saw Suspect Diaz running southbound down the middle of the street holding a gun in his right hand. Deputy Toone saw that Deputy Dean was running after Suspect Diaz and then looked back at the two remaining occupants of the vehicle. He saw the two remaining occupants exit the suspect's vehicle and run northbound on Muriel Avenue.

Deputy Toone turned and ran southbound along the sidewalk paralleling Deputy Dean as he chased after Suspect Diaz. Deputy Toone said that he had a visual on both Suspect Diaz and Deputy Dean as he ran southbound along the sidewalk. Deputy Toone said that he heard the two shots fired by Deputy Dean but did not actually see him raise his weapon and fire. Deputy Toone said that he assumed the shots came from Deputy Dean because he saw Deputy Dean continue running and did not appear to have been hit by any rounds, additionally, he heard Deputy dean yelling, "Stop, stop, stop," before and after the shots were fired. Deputy Toone said that he heard Deputy Dean broadcasting over the radio after firing at Suspect Diaz. Deputy Toone said that he lost sight of Suspect Diaz for approximately two seconds as they passed a van that was parked on the east side of Muriel. Deputy Toone said when suspect Diaz reappeared, he had run up onto the east sidewalk approximately 20 yards in front of him. Deputy Toone said Suspect Diaz stopped on the sidewalk and looked toward him while reaching toward his waistband. Deputy Toone fired two rounds at Suspect Diaz from his Department issued Beretta. He believed Suspect Diaz was

still armed and was going to shoot him. Deputy Toone said he continued chasing Suspect Diaz after firing because he (Diaz)turned away.

Deputy Toone said Suspect Diaz took approximately four additional steps after he fired and then fell to the ground. Deputy Toone said that he maintained cover just beyond arms reach with his gun drawn as Deputy Dean wrestled the suspects arms behind his back and handcuffed him. Deputy Toone recalled Suspect Diaz resisting Deputy Dean's efforts to handcuff but did not recall seeing Deputy Dean punch Suspect Diaz in the head. Once Suspect Diaz was handcuffed, Deputy Toone turned his attention to the two additional suspects and saw them run eastbound on Rosecrans from Muriel. Deputy Toone set up a containment with responding units to apprehend the outstanding suspects.

Deputy Toone said they pursued Suspect Diaz rather than set up a containment to apprehend him because he felt they were close enough to apprehend him. He added that had they lost sight of the suspect or either he or his partner been unable to continue the pursuit, he would have set up a containment to apprehend Suspect Diaz.

WITNESS STATEMENTS

Witness [redacted] told investigators that she heard approximately four gunshots. She said that she looked out her front door and saw a deputy with his gun drawn and a black vehicle in the middle of the street.

Witness [redacted] Said that between 8:30 P.M. and 9:00 P.M. he heard a voice say, "Hey you, stop." He said that the voice was coming from in front of his residence. He said a few seconds after hearing the voice he heard two gunshots.

Witness [redacted] said that he was seated in his [redacted] vehicle [redacted] when a patrol unit pulled up next to their car. He said he then saw a deputy running and heard gunshots. He could not tell who was shooting. He said his [redacted] pointed out a gun that was laying in the street. Witness [redacted] saw deputies escorting a man that appeared to be bleeding back to their patrol vehicle and placed in the back seat.

IAB Note: **The vehicle Witness [redacted] was seated in was a [redacted] The vehicle is identified as item "C" on the crime scene diagram located on page 94 of the Homicide Book (Exhibit A).**

Witness [redacted] told investigators that she heard approximately three to four gunshots. She said that she looked out her front window, which faces Muriel Avenue, and saw someone "walking fast or running" southbound on Muriel. Witness [redacted] walked outside and stood in her driveway. She looked to the south and saw a deputy standing over someone lying on the driveway at [redacted] North Muriel. Witness [redacted] said she assumed the person lying on the driveway was the suspect.

Witness [redacted] said she was inside her residence, [redacted] when she heard three gunshots. She said she went to the front house where her [redacted] resides and looked out the window which faces the driveway. Witness [redacted] said that she saw a deputy standing over a male and could hear the deputy requesting assistance and relaying his location. She said the deputy escorted the male away from the location after a few minutes.

Witness [redacted] was seated in her parked vehicle when the patrol unit being driven by Deputies Dean and Toone pulled up next to her. She said that she was inside her vehicle when the shooting took place. She said her friend [redacted] was with her. She recalled seeing the deputies walking up to a black Nissan Altima (suspect's vehicle). She did not see the deputies take anyone out of the vehicle. She saw the deputies running and then heard more than three gunshots. She said that she could not determine who was shooting. Witness [redacted] then saw the deputies walking a guy (Suspect Diaz) back to their patrol vehicle. She said that the suspect was wearing a white t-shirt and appeared to be bleeding. Witness [redacted] said she saw a gun laying in the street but did not know who it belonged to.

IAB Note: **The vehicle Witness [redacted] was seated in was a [redacted] License [redacted] The vehicle is identified as item "C" on the crime scene diagram located on page 94 of the Homicide Book (Exhibit A).**

Witness [redacted] said she heard two gunshots between 7:30 P.M. and 8:00 P.M. She looked out her window and saw a deputy with a flashlight in his hand running southbound on Muriel. Witness [redacted] reported seeing a patrol unit parked behind a black vehicle that was parked in front of [redacted] Muriel. She saw a male seated in the front passenger seat of the black vehicle. She said the male in the vehicle looked like he wanted to run. Witness [redacted] left the window and returned a short time later. When she returned she saw deputies placing a bald man into the back seat of their patrol vehicle.

Witness [redacted] said that he was stepping out of his vehicle which was in the driveway of [redacted] North Muriel. He saw a black vehicle pass by headed northbound with two occupants inside. He said that the black vehicle stopped in front of [redacted] Muriel and seconds later a Sheriff's patrol vehicle pulled up behind it. Witness [redacted] said he saw the deputies illuminate the passenger compartment of the black vehicle with their flashlights and heard a deputy say, Put your hands where I can see them and exit the vehicle." Witness [redacted] reported that he did not see anyone exit the vehicle but heard what he believed was a car door opening and closing. He then heard what he believed to be a struggle, a slapping sound , and the sound of metal hitting the ground. Witness [redacted] saw the deputies chasing the suspect southbound on Muriel and heard one of the deputies yell, "Stop." He said he heard two to three gunshots as the suspect continued to flee. Witness [redacted] ducked behind a vehicle and waited for a while before moving into the rear yard at [redacted] Muriel. As he began moving into the rear yard he saw a deputy walking back northbound.

SUSPECT'S STATEMENT

Suspect Alexander Diaz reported that his true name was Alfredo Seterallo and that he was a transient. He said that he had not been inside any vehicle and that he was walking down the street when deputies shot him. Suspect Diaz said that he was sleeping on a mattress near a trash can just prior to the incident and denied ever possessing a firearm.

MISCELLANEOUS

The vehicle being driven by Suspect Diaz was subsequently reported to have been taken in a car-jacking on the evening of the shooting. The suspects were described as male Hispanic adults. The reported victim was [redacted] MB/42.

Two of the three occupants that were inside the vehicle were apprehended, Suspect Diaz and [redacted] Angel Leon was interviewed by investigators in the early morning hours following the incident. Mr. [redacted] denied knowing about the shooting incident as well as being acquainted with Suspect Diaz. He claimed to have been dropped off in the area, a short time prior to being detained by deputies, by a women named [redacted] He said that he and [redacted] had been out together that evening and that he got out of her vehicle after they had an argument.

Mr. [redacted] was re-interviewed on March 14, 2006, by Homicide detectives. Mr. [redacted] recanted his initial statement and admitted to being inside the vehicle along with Suspect Diaz and one additional male, [redacted] Mr. [redacted] said that he and the others were driving to a location in the city of Compton in order to make a drug transaction. He said that the car they were driving was provided by an African American Male who was also a party to the drug transaction. Mr. [redacted] said while en route to the location a police vehicle passed them and had shone a spotlight into the vehicle. A few moments later, after they had arrived at their destination([redacted] Muriel Avenue) the police vehicle pulled up behind them and stopped. He said the deputies exited the patrol vehicle and approached on foot. [redacted] said that the deputy ordered Suspect Diaz to step out of the vehicle. He said Suspect Diaz initially complied with the request, but then suddenly shoved the deputy and ran southbound on Muriel. [redacted] said seconds later a shooting occurred, then he and [redacted] exited the black Altima and ran northbound on Muriel.